

REMARKS/ARGUMENTS

Applicant has amended Claims 1, 3-4, 6-8, 17, 20, 22 and 24-25 and cancelled Claims 2, 5, 15, 21 and 23. No new matter was added by these amendments. Claims 1, 3-4, 6-14, 16-20, 22, and 24-25 remain in the application. Reconsideration of this application is respectfully requested in view of the above amendments and these remarks and arguments.

The Examiner has rejected Claims 1-3, 5, 7, 8, 14, 15, 17, 20 21, 23 and 25 under 35 USC 102(b) as being anticipated by USPN 5,881,053 (Kimball). Applicant has cancelled Claims 2, 5, 15, 21 and 23, thereby rendering moot the Examiner's rejection of these claims. Applicant traverses the Examiners remaining rejections of Claims 1, 3, 7, 8, 14, 17, 20 and 25. Applicant respectfully submits that Kimball does not anticipate these claims because it fails to teach or suggest all of the limitations for each claim. More particularly, at a minimum Kimball fails to teach or suggest the limitations of a processing device adapted for performing an algorithm for "selecting the representations to be included *in at least one combined voice signal* based on whether the representation has a corresponding speech activity level that exceeds a first threshold" that are recited in amended Claim 1 and included by dependency in Claims 3, 7, 8 and 14. Likewise, at a minimum, Kimball fails to teach or suggest the limitations of "wherein the representations to be included *in each said combined voice signal* is selected based on whether the representation has a corresponding speech activity level that exceeds a first threshold" that are recited in amended Claim 17 and included by dependency in Claims 20 and 25.

Kimball teaches systems and techniques for providing conference calling in digital telephone systems. (Col. 1, lines 8-10.) The systems in Kimball do not teach combining individual voice signals (or representations of individual voice signals) into a combined voice signal as the Examiner suggests. A closer look at Kimball reveals that Kimball instead discloses apparatus and techniques, in a system having three or more participants, for selecting one signal that was generated based upon the speech of one of the participants and transmitting that signal to the non-speaking participants. (Col. 2, lines 61-67; col. 3, lines 10-15.) More specifically, a rate detector determines an estimate of the rate of the signals sent by each of the subscriber

stations of the participants and provides these rates to a control processor. (Col. 5, lines 59-61; col. 6, line 1.) The control processor determines the signal with the highest rate, which corresponds to the signal of the speaking participant. (Col. 6, lines 2-5.) *"In response to this signal, the control processor 62 sends a signal to a switch 64 and a transmission system 66 which indicates that the signal from the first subscriber station 12 is to be sent to the second and third subscriber stations 14 and 16 (emphasis added)."* (Col. 6, lines 11-14.) Thus, Kimball does not use speech activity level to select representations to include in a combined voice signal because the Kimball system and techniques do not generate a combined voice signal.

The Examiner apparently assumes that because the Kimball system uses "combiners" that a combined signal of voice signals or voice signal representations from different speakers is generated, but this is not the case. Kimball explicitly states that the combiners included in its systems are for combining "the same signal which traveled through different propagation paths to the base station." (Col. 5, lines 6-14.)

For all of these reasons, Applicant submits that Kimball does not anticipate Claims 1, 3, 7, 8, 14, 17, 20 and 25 and that these claims are, therefore, now in a condition for allowance.

The Examiner has rejected Claims 11-13, 16, 18 and 19 under 35 USC 103(a) as being unpatentable over Kimball. Applicant traverses these rejections. Applicant respectfully submits that Kimball does not render these claims obvious because it fails to teach or suggest all of the limitations for each claim. More particularly based on the above arguments, at a minimum Kimball fails to teach or suggest the limitations of a processing device adapted for performing an algorithm for "selecting the representations to be included *in at least one combined voice signal* based on whether the representation has a corresponding speech activity level that exceeds a first threshold" that are recited in amended Claim 1 and in Claim 16 and included by dependency in Claims 11-13. Likewise based on the above arguments, at a minimum Kimball fails to teach or suggest the limitations of "wherein the representations to be included *in each said combined voice signal* is selected based on whether the representation has a corresponding speech activity

level that exceeds a first threshold" that are recited in amended Claim 17 and included by dependency in Claims 18 and 19.

For these reasons, Applicant submits that Claims 11-13, 16, 18 and 19 are in a condition for allowance.

The Examiner has rejected Claims 4, 10 and 22 under 35 USC 103(a) as being unpatentable over Kimball in view of USPN 5,539,730 (Dent). Applicant traverses these rejections. Applicant respectfully submits that the combined teachings of Kimball and Dent do not render these claims obvious because the combined teachings fail to teach or suggest all of the limitations for each claim. More particularly based on the above arguments, at a minimum Kimball fails to teach or suggest the limitations of a processing device adapted for performing an algorithm for "selecting the representations to be included *in at least one combined voice signal* based on whether the representation has a corresponding speech activity level that exceeds a first threshold" that are recited in amended Claim 1 and included by dependency in Claims 4 and 10. Likewise based on the above arguments, at a minimum Kimball fails to teach or suggest the limitations of "wherein the representations to be included *in each said combined voice signal* is selected based on whether the representation has a corresponding speech activity level that exceeds a first threshold" that are recited in amended Claim 17 and included by dependency in Claim 22. Dent also fails to teach or suggest these limitations.

For these reasons, Applicant submits that Claims 4, 10 and 22 are in a condition for allowance.

The Examiner has rejected Claims 6 and 24 under 35 USC 103(a) as being unpatentable over Kimball in view of USPN 6,434,110 (Hemkumar). Applicant traverses these rejections. Applicant respectfully submits that the combined teachings of Kimball and Hemkumar do not render these claims obvious because the combined teachings fail to teach or suggest all of the limitations for each claim. More particularly based on the above arguments, at a minimum Kimball fails to teach or suggest the limitations of a processing device adapted for performing an algorithm for "selecting the representations to be included *in at least one combined voice signal*

based on whether the representation has a corresponding speech activity level that exceeds a first threshold" that are recited in amended Claim 1 and included by dependency in Claim 6.

Likewise based on the above arguments, at a minimum Kimball fails to teach or suggest the limitations of "wherein the representations to be included *in each said combined voice signal* is selected based on whether the representation has a corresponding speech activity level that exceeds a first threshold" that are recited in amended Claim 17 and included by dependency in Claim 24. Hemkumar also fails to teach or suggest these limitations.

For these reasons, Applicant submits that Claims 6 and 24 are in a condition for allowance.

The Examiner has rejected Claim 9 under 35 USC 103(a) as being unpatentable over Kimball in view of USPN 4,901,307 (Gilhausen). Applicant traverses these rejections. Applicant respectfully submits that the combined teachings of Kimball and Gilhausen do not render this claim obvious because the combined teachings fail to teach or suggest all of the limitations for this claim. More particularly based on the above arguments, at a minimum Kimball fails to teach or suggest the limitations of a processing device adapted for performing an algorithm for "selecting the representations to be included *in at least one combined voice signal* based on whether the representation has a corresponding speech activity level that exceeds a first threshold" that are recited in amended Claim 1 and included by dependency in Claim 9. Gilhausen also fails to teach or suggest these limitations.

For these reasons, Applicant submits that Claim 9 is in a condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

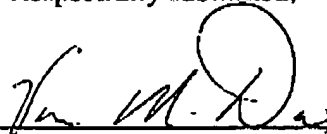
Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department
1303 E. Algonquin Road
Law Department
Schaumburg, IL 60196
Customer Number: 22917

By:



Valerie M. Davis
Attorney of Record
Reg. No.: 50,203

Telephone: (847) 576-6733
Fax No.: (847) 576-0721